

MIGUEL MÁRQUEZ, County Counsel (S.B. #184621)  
 MELISSA R. KINIYALOCTS, Deputy County Counsel (S.B. #215814)  
 OFFICE OF THE COUNTY COUNSEL  
 70 West Hedding, East Wing, 9<sup>th</sup> Floor  
 San Jose, California 95110-1770  
 Telephone: (408) 299-5900  
 Facsimile: (408) 292-7240

Attorneys for Defendants  
 SHERIFF LAURIE SMITH and  
 COUNTY OF SANTA CLARA

UNITED STATES DISTRICT COURT  
 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
 (San Francisco)

TOM SCOCCA, MADISON SOCIETY, )  
 INC., and THE CALGUNS )  
 FOUNDATION, INC., )

Plaintiffs, )

v. )

SHERIFF LAURIE SMITH (In her )  
 individual and official capacity.), )  
 COUNTY OF SANTA CLARA, and )  
 DOES 1 to 20, )

Defendants. )

No. CV11-01318 EMC

**STIPULATION AND [PROPOSED] ORDER  
 TO CONTINUE HEARING ON  
 DEFENDANTS' MOTION TO DISMISS**

On November 28, 2011, the United States Court of Appeals for the Ninth Circuit granted *en banc* review of *Nordyke v. King*, Case No. 07-15763. The *Nordyke* case involves Second Amendment issues that may be relevant to issues raised in the pending motion to dismiss in the above-captioned action. The parties would like additional time to evaluate the issues and make a determination about whether to seek a stay of this matter in light of the pending *en banc* review in *Nordyke*. Accordingly, the parties stipulate to continue the hearing on the pending motion to dismiss to January 6, 2012, at 1:30 p.m.

//

//

//

I hereby attest that I have on file all holograph signatures for any signatures indicated by a  
“conformed” signature (/S/) within this efiled document.

MIGUEL MÁRQUEZ  
County Counsel

Dated: December 1, 2011

By: /S/  
MELISSA R. KINIYALOCTS  
Deputy County Counsel

Attorneys for Defendants  
SHERIFF LAURIE SMITH AND  
COUNTY OF SANTA CLARA

LAW OFFICES OF DONALD KILMER

Dated: December 1, 2011

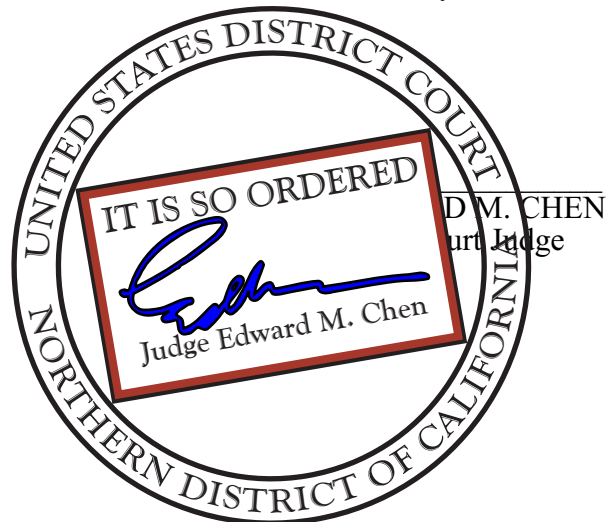
By: /S/  
DONALD E.J. KILMER, JR., ESQ.

Attorneys for Plaintiffs  
TOM SCOCCA, MADISON SOCIETY,  
INC., and THE CALGUNS  
FOUNDATION, INC.

### ORDER

Pursuant to the Stipulation of the parties the Motion to Dismiss is hereby continued to  
January 6, 2012 at 1:30 p.m.

Dated: 12/1/11



503643.wpd